

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

v.

DION L. BARNARD,

Defendant.

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Criminal Action No. 06-73-GMS

ORDER

Upon the Defendant's Motion for an order to independently re-weigh drug evidence, to wit, exhibit number 1, DEA Laboratory Number, 177277, as reported in DEA Laboratory Report having the Case File Number CP-06-0022, dated January 23, 2006.

IT IS HEREBY ORDERED in accordance with Federal Rule of Criminal Procedure 16(a)(1)(E), that the Government shall allow the defense to independently inspect and analyze the entire sample from the above-described drug exhibit.

IT IS FURTHER ORDERED that the Government shall arrange the delivery, in a manner consistent with the type and quantity of the controlled substance at issue, the above-described exhibits, in their entirety, to: Beth Minnigh, Ph.D., DEA License No. PP0236605, of the Pharmakon Laboratory, located at 1012 Salk Hall, University of Pittsburgh School of Pharmacy Pittsburgh, Pennsylvania 15261, Telephone: 412- 648-9854; Fax: 412-383-7436.

The Government shall arrange the delivery of this exhibit on or before June 21, 2007.

IT IS FURTHER ORDERED that the defense expert shall conduct the analyses and identification ordered herein, and complete this analysis by July 31, 2007. The defense expert shall provide the Government with an *Unsworn Declaration Under Penalty of Perjury*, under 28 U.S.C. § 17464, executed by the individual who conducted the analyses, or the head of the

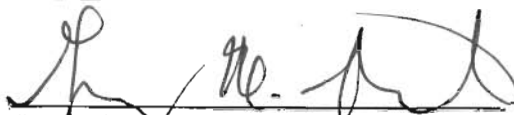
facility where the analyses occurred, which states the quantity of the exhibit consumed during testing, and either the weight of each exhibit returned to the Government, or a statement that all the sample was consumed during testing.

The defense chemist, Beth Minnigh, Ph.D., is to safeguard the sample(s) received, preserving the chain of custody in a manner to faithfully protect the integrity of each exhibit received.

IT IS FURTHER ORDERED that all remaining material of the sample(s), after testing is to be returned by the defense chemist, Beth Minnigh, Ph.D., to the DEA Northeast Laboratory at 99 Tenth Avenue, Suite 721, New York, NY 10011, via registered U.S. mail, return receipt requested, or approved commercial carrier, within five (5) business days after the completion of the analysis.

IT IS FURTHER ORDERED, in accordance with Federal Rule of Criminal Procedure 16(b)(1)(B), that the defendant shall provide the Government with a copy of the results or report of the physical examinations and scientific tests or experiments which resulted from the analyses conducted under this Order.

So ORDERED this 22nd day of June, 2007.


Honorable Gregory M. Sleet
United States District Court Judge

